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In re Application of	:	
JUDKINS, et al.	:	
Application No.: 10/568,027	:	DECISION ON PETITION
PCT No.: PCT/US04/28557	:	
Int. Filing Date: 02 September 2004	:	UNDER 37 CFR 1.497(d)
Priority Date: 02 September 2003	:	
Atty. Docket No.: 060068	:	
For: METHOD AND APPARATUS FOR MAKING	:	
CELLULAR MATERIAL USING SLOW CURE	:	
ADHESIVES	:	

This decision is in response to applicant's "Request For Correction of Inventorship Under 37 CFR 1.48(a)" filed 27 March 2006 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a request under 37 CFR 1.497(d).

### **BACKGROUND**

On 02 September 2004, applicant filed international application PCT/US04/28557, which claimed priority of an earlier application filed 02 September 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 March 2006.

On 10 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; a copy of the declaration filed with the international application and a First Preliminary Amendment.

On 27 March 2006, applicant filed the present request which is being treated as a petition under 37 CFR 1.497(d).

### **DISCUSSION**

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(i); and
- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1) - (3).

Regarding item (4), as the declaration filed under PCT Rule 4.17 in the international application did not identify both inventors, applicant is required to file a compliant oath or declaration pursuant to 37 CFR 1.497(a) which identifies, and is executed by, both inventors.

In light of the above, it is not possible to grant applicant's petition at this time.

#### **CONCLUSION**

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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